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6 Attorney for Defendant,
7 STEFAN KIRKEBY

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 STEFAN KIRKEBY,
15 Defendant.

CASE NO.: 1:22-CR-00228-JLT-SKO

**MOTION TO CONTINUE HEARING
DATE OF NOVEMBER 3, 2025**

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18 Defendant, Stefan Kirkeby, by and through his attorney, Anthony P. Capozzi, requests a
19 short continuance of the hearing date of November 3, 2025. Said request is based upon the
20 declaration of Anthony P. Capozzi.

21 I, Anthony P. Capozzi declare:

22 1) This attorney substituted in as defendant's counsel on May 12, 2023.
23 2) On September 23, 2025 the court granted a continuance to November 3, 2025 for the
sentencing and that the defense file any motion for reconsideration by October 6,
24 2025.
25 3) This attorney is not able to file a motion for reconsideration on October 6, 2025 and
would request an extension to file said motion.

1 4) On Friday, October 3, 2025, this attorney was advised to appear as a witness in U.S. v.
2 Gaviola, case no. 1:22-CR-0233. This attorney spent the weekend retrieving the files
3 and reviewing said files for the court appearance on October 7, 2025.
4 5) On October 6, 2025, additional discovery was turned over to the defense which must
5 be reviewed in preparing the motion.
6 6) Additionally, the Chinese-Mandarin interpreter utilized in this case for the victim is in
7 Hong Kong until November 7, 2025 and will be needed for any future hearings.
8 7) This attorney has spoken to AUSA Montoya regarding these issues. The AUSA is not
9 available on November 10, 2025. The government would not oppose an extension of
10 time to file a Motion to Reconsider to October 20, 2025 with the government
11 responding on November 5, 2025 and the hearing date for sentencing and motion on
12 November 17, 2025.
13 8) If the court is agreeable, it is requested that the defendant be allowed to file a Motion
14 for Reconsideration on October 20, 2025, government reply on November 5, 2025,
15 with a hearing on November 17, 2025.

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17 I declare under penalty and perjury of the laws of the State of California that the foregoing
18 is true and correct.

19 Executed on the 6th of October at Fresno, California.

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21 By: /s/Anthony P. Capozzi.
22 ANTHONY P. CAPOZZI, Attorney for
23 STEFAN KIRKEBY
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ORDER

Based upon the request of the defendant, it is hereby ordered that the Motion for Reconsideration be filed by October 20, 2025, the government response by November 5, 2025 and the hearing be held on November 17, 2025.

IT IS SO ORDERED.

Dated: October 7, 2025

Jennifer L. Thurston
UNITED STATES DISTRICT JUDGE